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Supreme Court, U.S.
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No. 96-1309

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1997

STAVROS S. ZAFIRATOS;
S & F MINI FRUIT MARKET, INC.
Petitioner,

V.S.

TOWNSHIP OF MONROE TOWNSHIP; GLOUCESTER COUNTY; ESTATE OF MARTHA DRIVER; ALMA ALEXANDER; JEANNETTE MOYER; JACK RUBBA; CHARLES FIORE; JAMES ATKINSON; ALBERT DRIVER; JACK LUBY;
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

STAVROS S. ZAFIRATOS (PRO SE)
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QUESTIONS PRESENTED

I. Is forcing people to leave their communities due to lack of income similar to exclusionary zoning, which is unconstitutional in New Jersey?

II. Does Real Estate Tax discriminate against the poor?

III. Should individuals be forced by Local and State Governments to continuously work, so that they would be able to pay Real Estate Taxes?

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Civil Rights Act of 1866, Title VIII of the Civil Rights Act if 1968 (Fair Housing Act) 42 U.S.C.S. 3601 et seq., and Title VI of the Civil Rights Act of 1964, 42 U.S.C.S. 2000d et seq. 4

PRELIMINARY STATEMENT

New Jersey's waiver to submit a brief in opposition to Petitioner's petition for writ of certiorari dated March 11, 1997, has the State of New Jersey arguing that, "real property tax, like all ad valorem taxes, is measured by the value of the real property being taxed rather than by the income of the property owner." Should income not be a factor when deciding on Due Process? Just because a law is applied equally to all citizens it does not make it a just law. I am not taking the State of New Jersey and the Local Government to court because I do not accept the ideas behind ad valorem taxes in general, or because I disagree with the methods for collection of ad valorem taxes. What is being argued are the penalties for being unable to pay an ad valorem tax on Real Estate, the never ending payments for an ad valorem tax on Real Estate, and the Civil Rights violated by an ad valorem tax on Real Estate if the income of the property owner is not taken into consideration.

I do not want to lose my property. I worked long and hard to pay for it. Is it wrong for me to want to fight to keep my property and to live the rest of my life in my house without fear of losing it? Is it wrong knowing that no matter what misfortune may befall me I would know that I would always have a home to return to? All I ask is that the Court consider that the idea of an ad valorem tax on Real Estate creates an unnecessary hardship for all Americans that are elderly, those who have a minimal income, and citizens who already face hardships every day of their lives.

Society and the Government will not collapse, as some people think, if the ad valorem tax on Real Estate is modified to provide relief for indigent people. A home is not like a car, a boat, or jewelry that one can live without, but a person cannot live and should not have to live without a home. I do not agree

with the State of New Jersey's remark that this is a frivolous case. In today's society hundreds of poor individuals and families lose their homes, even though they have paid off their mortgage. When considering Due Process, I would hope that the Court would consider income as a factor. It should not matter how much money an individual saves or earns, because when it comes to an ad valorem tax on Real Estate the law should not be blind to a persons income. I am clearly discriminated against, and treated unfairly as an American Citizen due to the Real Estate Laws. The State furthermore overlooks four important consequences created by an ad valorem tax when applied to Real Estate.

STATEMENT

I. If individuals are forced to vacate their properties and homes the individuals lose all vested interest in their property and to their community.

When a individual buys a house and property to live in, they add to the community. They support the local community, government, services and businesses. They further develop their homes and land making the community stronger and better for all the people in the community. But if a tragedy befalls the individual, and the Real Estate tax cannot be paid, all they have created and paid for is lost. The individual or family is unfairly and wrongly forced to abandon their home, community, and friends and move to an area in which they can afford to pay the amount of Real Estate Tax imposed. This results in excluding indigent people from living in certain communities due to their

lack of income, which is similar to exclusionary zoning which was declared unconstitutional in New Jersey. Southern Burlington County N.A.A.C.P v. Township of Mt. Laurel, 67 N.J. 151 (1975).

II. Individuals that have their property foreclosed and who cannot relocate in an affordable home in their township lose all voting ability in which to change their local Real Estate Law.

My monthly social security check is $691.00 a month, which does not allow me to relocate with in my community. The most inexpensive apartment in Monroe Township, NJ is $935.00 per month with the tenant paying all utilities. The five least inexpensive apartments are listed in Appendix A, and only two apartments were available as of March 27, 1997 in the Monroe Township area. I cannot afford any of the apartments listed. I am then forced to move into a new township with lower rents or Real Estate Tax. According to State Election Laws I could not even live in a motel and still be a registered voter in New Jersey as stated in N.J.S.A. 19:4-1,

> "In order for person to acquire domicile, it is necessary that there be intention not only to live at the place but also to make a home there."

and Michaud v. Yeomans, 115 N.J. Super. 200, 278 A.2d 537 (L.1971)

III. Real Estate Tax laws discriminate against the poor, segregating them into areas in which they can afford to live, violating the Civil Rights Acts and the Fair Housing Act.

If I am forced to move from my home, the only place I could afford to move to would be in a different Township. Where the people around me would posses the same income as myself. The Real Estate Tax laws create High, Medium, and Low income zones. If I cannot afford the proposed Real Estate Tax, I am forced by the Local Government to sell my home and any of my belongings that I cannot carry, and move into a lower income area. *De Jure Segregation* is created by the ad valorem tax on Real Estate, State es rel. Citizens Against Mandatory Bussing v. Brooks, 80 Wash.2d 121, 492 P.2d 536, 542.

Likewise if a low income family inherits a home in a highly taxed area they could not move there because there income is minimal and the Real Estate tax would exceed their means, even though they could have a better life for themselves and their children. Again, since an ad valorem tax exists on property and homes and the tax does not consider income as a factor, it allows discrimination and segregation of American Citizens, placing them into zones based on their income, which violates Federal Civil Rights Acts, Civil Rights Act of 1866, Title VIII of the Civil Rights Act if 1968 (Fair Housing Act) 42 U.S.C.S. 3601 et seq., and Title VI of the Civil Right Act of 1964 42 U.S.C.S. 2000d et seq..

IV. Individuals are forced by the Local and State Governments to indefinitely work in order to pay proposed Real Estate Taxes.

To keep a home and land one must always work to bring in an income. If a person cannot generate sufficient income to pay their Real Estate Taxes they will lose their house. I worked hard all my life to create my home and raise my children in a proper way. At age 62, like most Americans I retired. I receive enough from Social Security for me and my wife to eat, pay our utilities, and live a modest life. What little remains of my check is not enough to pay my assessed Real Estate Tax. Should I then be force to sacrifice my Health Care or another need so that to pay the Real Estate Tax? During my working days I paid my taxes and did what was required of me as an American Citizen. As my reward my property has been foreclosed. The Foreclosure notice and Eviction notice are copied in Appendixes B and C.

What am I supposed to do? I either move away, or I am forced to work again. To keep my property I must find some job that pays me enough to reach an income which allows me to retain my monthly Social Security payments without any reduction. Real Estate Tax Laws does not allow me to retire unless I forfeit my property and community, which strips me an American Citizen of all my pride and accomplishments.

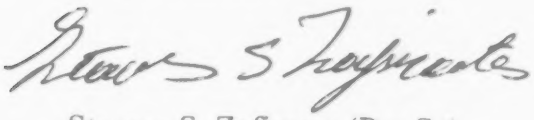
Creating and maintaining a home was a goal which I have struggled for and *thought* I had achieved. Was I wrong in this assumption? I pray I was not.

Conclusion

For the reasons advanced above, and in the Petition, the writ of certiorari should be granted.

Dated: Williamstown, New Jersey
March 28, 1997

Respectfully submitted



Stavros S. Zafiratos (Pro Se)

Appendix A

List provided by Century 21 Realtors.

Tax District	Monthly Rent	Utilities payed by tenant	Deposit
Washington*	595.00	Yes	893.00
Washington*	600.00	Yes	900.00
Winslow*	695.00	Yes	1045.00
Monroe	935.00	Yes	1425.00
Monroe	1000.00	Yes	1500.00

* Adjoining Townships.

Appendix B

IN MATTER OF FORECLOSURE OF TAX SALES CERTIFICATES PURSUANT TO THE PROVISIONS OF N J S A 54:5-104 29 ET SEQ BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF GLOUCESTER, A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY Plaintiff VS. 1 Block 607, LOT 6 ON THE TAX MAP OF THE TOWNSHIP OF MONROE ASSESSED TO S&F MINI MARKET Defendant	SUPERIOR COURT OF NEW JERSEY GLOUCESTER COUNTY CHANCERY DIVISION CIVIL ACTION DOCKET NO. F-12832-95 FINAL JUDGMENT

THIS CAUSE being opened to the Court by Robert T. Orr, Esquire, attorney for Plaintiff, and it appearing that Plaintiff filed its Complaint pursuant to the provisions of N.J.S.A. 54:5-104.29 et seq., as amended and rules if this court concerning such practice and procedure to foreclosure in rem certain tax sales certificate as follows:

Certificate of Tax

Sch#	Sale Recorded in Book & Page	Owner of Last Tax Duplicate	Description on Tax Duplicate and Certificate
2	1997	S&F Mini Market	Block 607, Lot 6

It appearing that notice of this foreclosure in the form prescribed by said statute and the rules of this Court was published once in the Gloucester County Times; a newspaper circulating in the Township of Monroe, the municipality wherein the lands to be affected are located, and if further appearing that no answer has been filed in this case by any person having or claiming any right, title or interest in or to, or lien upon any parcel of land described in the Complaint filed herein within the time fixed by said statute, and it appearing that the plaintiff has filed a copy of the complaint in the office of the Clerk and the County of Gloucester, in the office of the Tax Collector of Monroe Township and in the office if the Attorney General if the State of New Jersey, and the Court having read and considered the certified Complaint filed herein, together with the proofs of publication, posting and mailing, of said notice of foreclosure, and the Affidavit showing there has been no redemption of any of the tax sale sale certificates: and the Court being satisfied and having determined that there has been compliance with dais statutes.

IT IS thereupon, on this 1st day of April, 1996, ORDERED AND ADJUDGED that all persons having a vested or contingent title or interest in or lien or claim upon or against: said lands, including the State of New Jersey, and any agency and political subdivision thereof, and their heirs, devisees and personal representatives and their or person, and all other person, their heirs, devisees and personal representatives and their or any of their heirs, devisees, executors, administrators, grantees, assigns or successors, in right title or interest, be barred of the right of redemption and be foreclosed of all prior or subsequent alienations and descents of said lands and encumbrances thereon, and that an absolute and indefeasible estate of inheritance in fee simple in said lands be vested in the Plaintiff, Township of Monroe, in the County of Gloucester, a municipal corporation of the State of New Jersey. All or a portion of some or all of the

properties referred to herein may be claimed by the State of New Jersey as land now or formerly flowed by the mein high tide. The State has not waived its immunity from suit. This judgment is not binding on the State, with regard to the tide lands and does mot extinguish the paramount title to any tide lands.

Schedule#	Transferce of Purchaser of Title	Date of Instru-ment	Date Rec'd	Book/Page
2	S&F Mini Fruit Market Inc. Stavros S. Zafiratos	6/18/97	1/17/97	1961/272

s/_____

Samuel D. Lenox, JR., J.S.C.

APPENDIX C

MONROE TOWNSHIP,	)	SUPERIOR COURT OF
	)	NEW JERSEY LAW
Plaintiff,	)	DIVISION GLOUCESTER
	)	COUNTY
vs.	)	
	)	DOCKET NO: L-1709-96
S&F MINI MARKET and	)	
STAVROS ZAFIRATOS	)	Civil Action
	)	
Defendant.	)	Order for Summary Judgment

THIS MATTER having been opened to the Court on Motion for Summary Judgement filed by Charles A. Fiore, Esquire, attorney for Plaintiff, Monroe Township, and notice having been given to the Defendants, and the Court having read and considered the papers filed, including Defendant's objections to the form of the order, and having made findings of the fact and conclusions of law, and for other good cause shown;

IT IS on this 5th day of February, 1997 ORDERED that Plaintiff's Motion for Summary Judgment is hereby GRANTED.

IT IS FURTHER ORDERED that the defendant shall have thirty (30) days from the Court date of January 24th, 1997 to vacate the premises, a warrant for Removal may issue and be served through the Gloucester County Sheriff's Department.

s/ _____
JOHN S. HOLSTON, JR., J.S.C.